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PATENT  
ATTORNEY DOCKET NO. 10416/22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Katsuhiko Hayashi  
Serial No.: 10/667,583 Examiner: Ngo, Hung V.  
Filed: September 22, 2003 Group Art Unit: 2831  
Title: *SEMICONDUCTOR LASER METHOD OF PRODUCING SAME  
AND EVANESCENT OPTICAL HEAD USING THE SAME*

Mail-Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION

Sir:

This amendment is responsive to the final Office action of October 19, 2004, and is timely filed.

INTRODUCTORY COMMENTS

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Claims 7-28 are pending in the present application; however, claims 7-8 and 24-28 have been withdrawn from consideration. Claims 9-10, 12-13, and 21-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Berndlmaier et al. (U.S. Patent No. 4,323,914). Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Berndlmaier et al. (U.S. Patent No. 4,323,914) in view of Daves et al. (U.S. Patent No. 6,091,603). Claims 14-16 have been indicated by the Examiner to be directed towards allowable subject matter, and would be allowed if rewritten in independent form.

Claims 10 and 12 have been amended. No new claims have been added. Claims 7-9 and 24-28 have been deleted. Applicant respectfully contends that the differences between the claimed invention and the prior art are such that the claimed invention is patentably distinct over the prior art.